

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NEW BERRY, INC., )  
                        )  
                        )  
Plaintiff,         ) Civil Action No. 18-1024  
                        )  
                        )  
v.                     ) Judge Cathy Bissoon  
                        ) Magistrate Judge Patricia L. Dodge  
TODD G. SMITH,     )  
                        )  
                        )  
Defendant.         )

**MEMORANDUM ORDER**

This case has been referred to United States Magistrate Judge Patricia L. Dodge for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On January 14, 2020, the Magistrate Judge issued a Report (Doc. 90) recommending that Plaintiff's Motion to Dismiss Counterclaims (Doc. 79) be granted. Service of the Report and Recommendation ("R&R") was made on the parties, and Defendant has filed Objections.

*See* Doc. 92.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following Order is entered: Plaintiff's Motion to Dismiss Counterclaims (**Doc. 79**) is **GRANTED**, and the R&R (Doc. 90) is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

February 18, 2020

s\Cathy Bissoon

Cathy Bissoon  
United States District Judge

cc (via ECF email notification):

All Counsel of Record